

Boston's Immigrant Justice Initiative: An Overview of the Problem and How We Can Solve It Together

The Problem: Boston's immigrant community members with a right to remain in the U.S. are often deported simply because they could not afford a lawyer to represent them in immigration court.

Immigrants are a vital and vibrant part of the Boston area community. Those who are lawful permanent residents, or green card holders, and those who are long-term residents with no formal immigration status—have deep ties to the Greater Boston area and are an integral part of our daily lives. They are our parents, neighbors, co-workers, classmates, care givers, teachers, friends, siblings and spouses. Most immigrants live in mixed-status households, meaning they have at least one relative – usually a child – who is a U.S. citizen. Keeping immigrant families together is an essential part of keeping all of our community strong.

Currently, however, our nation's dysfunctional immigration system puts millions of immigrant families at risk of being torn apart when a loved one faces deportation. For U.S. citizen kids, the emotional toll and cost of losing a parent to deportation can have devastating emotional and financial consequences. **Each year, an average of 492 U.S. citizen children in Boston have a parent who ends up both detained and deported.** In addition to the devastation this causes a child, there are fiscal costs as well. Children who lose their care givers may be forced into foster care. Employers bear the most significant costs, as a result of a disrupted workforce. And taxpayers foot the bill when children and families lose a primary breadwinner and turn to public safety net programs to survive.

In Boston, 27%¹ of the city's population -- or 180,126 Boston residents are foreign-born. Many lawful residents – even those residing in the U.S. for decades – could be detained and forced to navigate the complex immigration court system on their own. This is because, despite the tremendous stakes involved in the outcomes, there is no right to counsel for anyone in our immigration courts, regardless of whether the person is a minor, too poor to afford a lawyer or deemed mentally incompetent. Hiring a private attorney is prohibitively expensive for most people, so immigrants are often left utterly on their own to fight their case. While many of them have valid claims for why they should remain in the U.S., it is for most people an impossible challenge to meaningfully present a case and supporting evidence on their own, especially if they spend any time in detention.

Not having a lawyer to represent you in immigration court can have severe adverse effects on the likelihood of success in immigration court. Based on Boston immigration court data from February 1, 2010 to January 31, 2015, out of the 23,731 cases that came before the Boston Immigration Court, **only 4% of these were cases in which a person *without* a lawyer was able**

¹ This is based on U.S. Census Bureau data on Boston from 2010-2014:
<http://www.census.gov/quickfacts/table/PST045215/2507000>.

to win their case. In stark contrast, people *with* lawyers were granted relief from deportation in 49% of all of these cases over the same five-year period.²

The Numbers

Boston-Area Children

- Every year, approximately 727 U.S. citizen children in Boston have a parent who is arrested, detained, and facing deportation.
- Every year, approximately 7 in 10 of those children will lose a parent to deportation each year.
- Based on Boston Immigration Court data from February 1, 2010 to January 31, 2015, approximately **206 U.S. citizen children a year could be spared the pain of losing a parent to deportation if only their parent had an immigration lawyer.**

The Current Social and Economic Costs

- Currently, the state of Massachusetts pays \$203,188 in annual foster care-related expenses for U.S. citizen children separated from their parents as a result of detention and deportation.
- In contrast, the state of **Massachusetts would save an estimated \$48,010 in yearly foster-care related expenses if these parents had an immigration lawyer**, instead of getting deported.
- Overall, the state of Massachusetts would save \$294,293 in Foster Care, Education, and Health costs for children who lose parents to deportation.
- **Employers across the state would also save \$1.4 million per year in turnover and related costs if detained immigrants had a lawyer to represent them.**

The People We Can Impact:

“L” is a 41-year old lawful permanent resident, or green card holder, and a single mother of three U.S. Citizen children between the ages of 17 and 22. L was released from immigration detention after spending almost 7 months in detention. For over 15 years, L survived domestic violence at the hands of the father of two of her children. After a brutal beating, L successfully obtained a restraining order against him, which is in effect for over 30 years. In 2015, L pled guilty to a theft offense in exchange for a 4-month sentence so she could return home to be with her children for whom she was the sole provider. Instead, upon completing her sentence, L was put into mandatory detention where she remained for almost twice her prison sentence. With the help of a law school clinic, L was able to work with an attorney and was able to return to her children, from whom she had been separated for over a year. Without an attorney, she almost certainly would have remained in detention for many months as her case progresses.

Our Solution: The Immigrant Justice Initiative

² Research and analysis by the Boston Working Group, with support from the Center for Popular Democracy and the National Immigration Law Center: *“The Impact of Detention and Counsel on Immigration Court Outcomes in Boston,”* p. 1.

The Immigrant Justice Initiative (IJI) would be one of the first projects in the nation of its kind by creating a universal representation system for detained immigrants facing deportation in the Boston immigration court. This means that anyone in detention who cannot afford a lawyer – regardless of their immigration status, their age or the immigration application they are filing – would be assigned one to help them fight their immigration case. Similar projects in New York City, upstate New York, and New Jersey have shown success in both their economic viability and benefits to communities. The IJI would model itself on these programs, while responding to the unique needs of the Boston community. To date, the IJI is supported by a broad coalition of organizations, including legal service providers, advocates, and unions.

What will the Immigrant Justice Initiative achieve?

The Immigrant Justice Initiative program will:

- Provide representation to detained individuals, which immigration court data shows increases Boston respondents' likelihood of proving the right to remain in the U.S. from 4.2% to 28.3%.³
- Serve as a replicable model for other immigrant population centers across the nation
- Serve to counterbalance hostile immigration initiatives from states like Arizona and Alabama, and provide a roadmap for how immigrant-friendly jurisdictions can mitigate the worst aspects of our broken immigration system.
- Allow policy makers to study and document the impact and feasibility of an assigned counsel deportation defense program, thereby advancing the effort to implement such a program at the national level.

What will the Immigrant Justice Initiative cost?

A fully funded, 1-year pilot project, starting with representation for 200 detained individuals at a cost of \$5,000 per case, would require a \$1 million investment. In other words, **for every \$5,000 spent to provide an immigration lawyer to a detained immigrant, one U.S. citizen child would be spared the pain of losing a parent to deportation.**

This is significantly less than market rate for similar services. In addition, based on the dramatic impact that having counsel has for anyone facing deportation, and particularly those who spend any time in detention, we would swiftly see the tremendous impact of IJI on Boston's immigrant communities.

Rather than burdening taxpayers with funding social services for families needlessly ripped apart or having employers incur the costs of a disrupted work force, the IJI creates an opportunity for taxpayers to contribute towards a program that promotes justice, due process and fair outcomes, and invests in community members and future U.S. citizens who contribute to our workforce, our communities and as taxpayers themselves.

³ Research and analysis by the Boston Working Group, with support from the Center for Popular Democracy and the National Immigration Law Center: *"The Impact of Detention and Counsel on Immigration Court Outcomes in Boston,"* p. 3.